

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William Begeny	Team: Team # 1	CCRB Case #: 200702118	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/13/2007 10:30 AM	Location of Incident: § 87(2)(b) 73rd Precinct stationhouse	Precinct: 73	18 Mo. SOL 8/13/2008	EO SOL 8/13/2008	
Date/Time CV Reported Tue, 02/13/2007 3:03 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/13/2007 3:03 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Matthew Parlo	04399	922942	Brooklyn North Narcotics
2. SGT John Hopkins	01935	904167	Brooklyn North Narcotics
3. DT3 Scott Gould	03980	922441	Brooklyn North Narcotics
4. POM Jared Morrissey	08350	925784	Brooklyn North Narcotics
5. DT3 Christop Castle	01475	928041	Brooklyn North Narcotics
6. An officer			Brooklyn North Narcotics

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 Virgil Cumberbatch	05766	897278	Brooklyn North Narcotics
2. DT3 Ronald Bannister	01041	905754	Brooklyn North Narcotics

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Christop Castle	Abuse: At § 87(2)(b) Det. Christopher Castle threatened to damage § 87(2)(b)'s property.	
B.POM Jared Morrissey	Abuse: At § 87(2)(b) PO Jared Morrissey stopped § 87(2)(b)	
C.DT3 Christop Castle	Abuse: At § 87(2)(b) Det. Christopher Castle stopped § 87(2)(b)	
D.POM Jared Morrissey	Force: At § 87(2)(b) PO Jared Morrissey used physical force against § 87(2)(b)	
E.DT3 Christop Castle	Force: At § 87(2)(b) Det. Christopher Castle used physical force against § 87(2)(b)	
F.POM Jared Morrissey	Abuse: At § 87(2)(b) PO Jared Morrissey frisked § 87(2)(b)	
G.DT3 Christop Castle	Abuse: At § 87(2)(b) Det. Christopher Castle frisked § 87(2)(b)	
H.POM Jared Morrissey	Abuse: At § 87(2)(b) PO Jared Morrissey searched § 87(2)(b)	
I.DT3 Matthew Parlo	Off. Language: At § 87(2)(b) Det. Matthew Parlo made remarks to § 87(2)(b) based upon gender.	

Officer(s)	Allegation	Investigator Recommendation
J.DT3 Matthew Parlo	Force: At § 87(2)(b) Det. Matthew Parlo used physical force against § 87(2)(b)	
K.DT3 Matthew Parlo	Discourtesy: At § 87(2)(b) Det. Matthew Parlo spoke obscenely and/or rudely to § 87(2)(b)	
L. An officer	Abuse: At § 87(2)(b) an officer threatened to arrest § 87(2)(b)	
M. An officer	Discourtesy: At § 87(2)(b) an officer spoke obscenely and/or rudely to individuals.	
N.DT3 Matthew Parlo	Discourtesy: At § 87(2)(b) Det. Matthew Parlo spoke obscenely and/or rudely to § 87(2)(b)	
O.POM Jared Morrissey	Discourtesy: At § 87(2)(b) PO Jared Morrissey acted rudely toward § 87(2)(b)	
P.POM Jared Morrissey	Abuse: At § 87(2)(b) PO Jared Morrissey refused to provide his name and/or shield number to § 87(2)(b)	
Q.DT3 Scott Gould	Abuse: At § 87(2)(b) Det. Scott Gould refused to provide his name and/or shield number to § 87(2)(b)	
R.DT3 Matthew Parlo	Abuse: At § 87(2)(b) Det. Matthew Parlo refused to provide his name and/or shield number to § 87(2)(b)	
S.SGT John Hopkins	Off. Language: At § 87(2)(b) Sgt. John Hopkins made remarks to § 87(2)(b) based upon the socio-economic status of her neighborhood.	
T.POM Jared Morrissey	Abuse: At § 87(2)(b) PO Jared Morrissey searched the car in which § 87(2)(b) was an occupant.	
U.DT3 Christop Castle	Abuse: At § 87(2)(b) Det. Christopher Castle searched the car in which § 87(2)(b) was an occupant.	
V.DT3 Christop Castle	Abuse: At the 73rd Precinct stationhouse, Det. Christopher Castle refused to provide his name and/or shield number to § 87(2)(b)	

Synopsis

On February 13, 2007, § 87(2)(b) called the CCRB to file a complaint against NYPD officers. On February 13, 2007, in front of § 87(2)(b) PO Jarred Morrissey and Det. Christopher Castle from Brooklyn North Narcotics observed § 87(2)(b) exit his home and approach the vehicle of his mother, § 87(2)(b) with the car keys in his hand. The officers believed that § 87(2)(b) was carrying a long metal object in his hand and was attempting to break into the vehicle. § 87(2)(b) approached the driver's side and attempted to enter the vehicle, but was unsuccessful. He then walked to the passenger side, and entered the vehicle and started the engine, while he remained seated in on the passenger side.

Det. Castle approached § 87(2)(b) on the passenger side and PO Morrissey approached the driver's side. Upon approach, Det. Castle recognized that the vehicle was running and that the keys were in the ignition. He suspected that the metal object he initially observed was a key, though he was not certain of this. He and PO Morrissey instructed § 87(2)(b) repeatedly to exit the vehicle and Det. Castle allegedly extended his asp and told § 87(2)(b) that he was going to break the vehicle's window if he did not exit (**allegations A, B, and C**). Eventually, § 87(2)(b) exited the vehicle, and upon doing so shouted and acted aggressively. § 87(2)(b) attempted to move past Det. Castle. Det. Castle and PO Morrissey grabbed § 87(2)(b) pushed his chest against the vehicle, and placed him in handcuffs (**allegations D and E**). PO Morrissey and Det. Castle then frisked § 87(2)(b) and PO Morrissey searched him (**allegations F, G, and H**).

At this time, Sgt. John Hopkins, Det. Matthew Parlo, and Det. Scott Gould, also from Brooklyn North Narcotics, responded to the scene. While Sgt. Hopkins spoke with Det. Castle and PO Morrissey, Det. Parlo took custody of § 87(2)(b). Allegedly, Det. Parlo stated to § 87(2)(b) "Quit whining like a bitch" (**allegation I**). § 87(2)(b) allegedly replied, "Your mother," at which point Det. Parlo pushed him back against the vehicle and said, "Calm the fuck down" (**allegations J and K**). At this point, § 87(2)(b) and § 87(2)(b) § 87(2)(b)'s sister, exited their home and approached the officers. Both females were shouting at the officers and questioning them about why they were arresting § 87(2)(b). Other individuals in the area were shouting at the officers, disputing § 87(2)(b)'s arrest. An officer then told § 87(2)(b) to be quiet or she would be arrested (**allegation L**). § 87(2)(b) alleged that an officer told the individuals in the area to "shut the fuck up," though she did not see the officer who stated this (**allegation M**). Det. Parlo also allegedly stated "shut the fuck up" to § 87(2)(b). § 87(2)(b) then decided to call an attorney on her mobile phone, and PO Morrissey allegedly took the phone from her and ended the call (**allegation N and O**).

§ 87(2)(b) alleged that she requested the names and badge numbers of PO Morrissey, Det. Gould, and Det. Parlo, which they then refused to provide (**allegation P, Q, and R**). § 87(2)(b) also alleged that when she questioned Sgt. Hopkins about his actions, he referred to the individuals who lived in the area as "animals" (**allegation S**). PO Morrissey and Det. Castle then searched § 87(2)(b)'s vehicle (**allegations T and U**). § 87(2)(b) was arrested for § 87(2)(b) and transported to the 73rd Precinct stationhouse where he allegedly requested Det. Castle's name and shield number, which he refused to provide (**allegation V**).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

This case was initially assigned to Inv. Michael Dever, but was later reassigned to ASI William Begeny due to Inv. Dever's long term absence from the agency.

Summary of Complaint

Complainant Testimony – § 87(2)(b)

Inv. Michael Dever interviewed § 87(2)(b) on February 15, 2007. § 87(2)(b) is a § 87(2)(b)-old Hispanic female § 87(2)(b) § 87(2)(g) (encl. 9A-9D).

On February 13, 2007, at about 10:50 AM, § 87(2)(b) was at the residence of her mother, § 87(2)(b) and her brother, § 87(2)(b) at § 87(2)(b). She heard a loud noise outside and walked to the window. Outside the window, § 87(2)(b) saw her brother, § 87(2)(b) sitting in the passenger seat of her mother's car, a 1998 dark purple Chrysler Sebring, which is a two-door car. The car was parked at the corner of Sumpter Avenue and Mother Gaston Boulevard, directly across from the building.

An unmarked car and an unmarked van pulled up to the car § 87(2)(b) was in. Approximately five plainclothes, officers, including officers later identified as Det. Christopher Castle and PO Jared Morrissey, approached the driver side and passenger side of the car. The men said something to § 87(2)(b) but § 87(2)(b) could not initially hear them. She then saw an officer remove an asp, bang on the passenger-side window, and heard him yell, "Get out of the car!" At that point, § 87(2)(b) believed that they were plainclothes police officers.¹

§ 87(2)(b) exited the car and put his hands up, at which point one of the officers grabbed him from the front and turned him around and pushed his chest against the passenger side of the car.² The other officers also grabbed § 87(2)(b) and they struck his chest against the car about four times, moving § 87(2)(b) toward the rear of the car. The officers stopped pushing § 87(2)(b) when they reached the back of the car. § 87(2)(b) was yelling, "What is going on? What the fuck is going on?" but was not physically resisting. He did not appear to be handcuffed at that time. § 87(2)(b) called her mother, § 87(2)(b) to come to the window. When she did not immediately come, § 87(2)(b) left the apartment and pressed the button to call for the elevator. She heard her mother say, "Oh my god!" Her mother then left the apartment and got into the elevator with her.

When § 87(2)(b) and her mother arrived downstairs, a woman said, "They have your son!" § 87(2)(b) was handcuffed at the time § 87(2)(b) next saw him. § 87(2)(b) approached the officers and asked them what was going on and why they were throwing her brother around. She told them that he did not have anything illegal and does not sell drugs or carry a gun. § 87(2)(b) also added that he was just warming up his mother's car. One of the officers, a white male who stood about 6'1" tall and was wearing a gray hooded sweatshirt with stripes on the side, later identified as PO Jared Morrissey, spoke to § 87(2)(b). PO Morrissey said that he wanted to see what was going on because they had observed her brother unsuccessfully attempt to enter the driver side with a key and then enter the passenger side of the car.³ § 87(2)(b) explained to PO Morrissey that her brother had keys to the car and asked him if he had shown her brother a badge. When shown a photo array on May 31, 2007, § 87(2)(b) also alleged that PO Morrissey took her mobile phone from her and ended a call she was making to an attorney.

She asked PO Morrissey for his badge number so she would know with whom she was speaking. PO Morrissey refused to provide his shield number information. § 87(2)(b) then asked two other officers for

¹ At her in-person interview, § 87(2)(b) failed to mention that an officer removed his asp and hit the window with it, as she stated during her initial complaint filed the same date as the incident.

² During her initial statement, § 87(2)(b) stated that once § 87(2)(b) exited the vehicle, approximately four or five officers grabbed his arms and slammed him against all parts of the vehicle.

³ During her initial statement, § 87(2)(b) stated that an unidentified officer also explained that they approached the vehicle to obtain some answers, which § 87(2)(b) refused to provide.

their names and shield numbers. They said that they did not have to provide it and told her that if she wanted their names or shield numbers, she could obtain them at the 73rd Precinct stationhouse.

§ 87(2)(b) continued to ask the officers questions, including why they had pulled her brother out of the car, whether they had reasonable suspicion to do so and what they were charging him with. A short officer wearing a white hooded sweatshirt, later identified as Det. Parlo, said, “Shut the fuck up.” PO Morrissey told § 87(2)(b) and her mother, “Shut up.” § 87(2)(b) told another officer that she did not like what was going on and that good officers were needed on the streets. She also said that she wanted to become a police officer. An officer, later identified as Sgt. Hopkins, replied, “You don’t know how it is. You’re not out here dealing with these animals every day. Out here, in this area here, there’s nothing but animals.”

§ 87(2)(b) observed officers searching § 87(2)(b)’s vehicle and she and her mother asked them why they were doing that. PO Morrissey told her mother to “shut up” again. § 87(2)(b)’s mother told the officer not to talk to her like that because she was not a child. § 87(2)(b) stated that security cameras probably captured the incident. She went to the management office and was told that the cameras run 24 hours a day.

As soon as the officers left the scene with § 87(2)(b) § 87(2)(b) and her mother went to the 73rd Precinct stationhouse. About ninety minutes later, the officers entered the stationhouse with § 87(2)(b). One of the officers identified himself as Det. Cumberbatch and said that § 87(2)(b) would be released with a summons. § 87(2)(b) asked Det. Cumberbatch if she could obtain the names and badge numbers of the other officers, who were in another part of the stationhouse. He replied that he all he could do was ask them if they wanted to provide the information and that it was up to them. He provided § 87(2)(b) with his name as well as his badge number. Det. Cumberbatch then approached the other officers and spoke to them. § 87(2)(b) did not hear what was said, but said that the officers all started laughing and never provided the information. § 87(2)(b) saw § 87(2)(b) shortly afterward. § 87(2)(b) complained of swelling and pain to his arm. He stated that the injury was caused from the officer twisting his arm.

Photo Array

On May 31, 2007, Inv. Dever presented photographs of Sgt. Hopkins, Det. Gould, Det. Parlo, Det. Castle, PO Morrissey, Det. Wolfrom, Det. Cuzzo, Det. Bannister, and Det. Cumberbatch to § 87(2)(b) (encl. 10A-10L). § 87(2)(b) stated that Sgt. Hopkins was the officer who referred to her and the individuals in the neighborhood as “animals.” She recognized Det. Parlo as one of two short, stocky officers, though she stated that he was not the officer that cursed at her. She recognized PO Morrissey as the officer that told her to “shut up,” and also the officer that closed her phone on her and said, “You’re not calling anyone.” She recognized Det. Wolfrom as the officer that told her to “shut the fuck up.” She recognized Det. Bannister as one of the black officers at the scene and Det. Cumberbatch as the officer that was “cool to her the whole time.”

Results of Investigation

Victim Testimony – § 87(2)(b)

Inv. Michael Dever interviewed § 87(2)(b) on February 15, 2007. § 87(2)(b) is an § 87(2)(b) - year-old black male who stands 5’8” tall and weighs approximately 160 lbs. § 87(2)(g) (encl. 7A-7D).

On February 13, 2007, at about 10:15 AM, § 87(2)(b)’s mother, § 87(2)(b) told him to warm up her car. He went outside and walked to the car, which was parked across the street from the building. He tried unsuccessfully to unlock the driver side door with the key, so he went to the passenger side. He used a key to enter the passenger side and turned the engine on. The passenger side window was halfway open. Suddenly, two men in black jackets, later identified as PO Jared Morrissey and Det. Christopher Castle, came up to the car. Det. Castle, a white male who stood about 6’ tall, approached the passenger side and asked § 87(2)(b) whose car it was. § 87(2)(b) replied that it was his mother’s. Det. Castle then ordered him to get out of the car. When § 87(2)(b) asked why, Det. Castle took out an expandable baton and told him to get out of the car or he would break the glass. § 87(2)(b) then got

out of the car. § 87(2)(b) was angry because he had not done anything and asked the officers, “What’s the fucking reason for this?” However, he said that he did not make any aggressive motions. The officers did not ask him for his identification.

Upon stepping out of the car, § 87(2)(b) noticed that PO Morrissey, a white male who stood about 6’2” tall, had come around to the passenger side of the car. Det. Castle and PO Morrissey grabbed § 87(2)(b)’s arms, threw him against the side of the car and twisted his arms behind his back. § 87(2)(b) began yelling and asking them why they were twisting his arms. He felt the officers pulling up his shirt and patting him down. He did not feel the officers reaching into his pockets, but stated that they must have because he later noticed that the one of the officers was holding his identification.

Other people were watching what was occurring from an apartment building and telling the officers that what they were doing was wrong. The officers replied, “Get a job” and one of the people said that they had a job. § 87(2)(b) continued to protest, saying, “Let me the fuck go! Come on, man! I’m not going crazy, I’m not doing nothing!” The officers handcuffed § 87(2)(b) and allowed him to come off the car. Once off the car, § 87(2)(b) noticed that additional officers arrived. § 87(2)(b) denied struggling after he was handcuffed.

One of the officers, a heavyset, clean-shaven white male who stood about 5’7” tall, later identified as Det. Matthew Parlo, said, “Why are you whining like a bitch?” § 87(2)(b) replied, “Your mother.” At that point, Det. Parlo threw his chest against the back of the car and began twisting his hands backward, which caused him to feel pain. § 87(2)(b) yelled, “Yo, get off me! It hurts!” The officers said something to the effect of, “Calm the fuck down!” § 87(2)(b) looked over his shoulder and saw that his mother, § 87(2)(b) his sister, § 87(2)(b) and his father, Mahmoud § 87(2)(b) had come outside. His mother approached and said, “What’s going on? What the hell are you doing? That’s my son!” § 87(2)(b) stated that his mother was not cursing. His relatives also asked the officers what he had done and said that he was just warming up the car. Det. Parlo said, “Shut up” and told his mother to move back.

§ 87(2)(b) was placed in an unmarked brown van with two black officers inside, who were later identified as Det. Virgil Cumberbatch and PO Ronald Bannister. § 87(2)(b) told the officers in the van, “This shit ain’t right.” They replied that they could not say anything because they did not see what had happened. The officers drove around the area for at least an hour with § 87(2)(b) before arriving at the 73rd Precinct stationhouse.

Det. Cumberbatch and PO Bannister brought § 87(2)(b) into the stationhouse. He saw Det. Parlo in a hallway and Det. Parlo said something to the effect of, “You still whining?” § 87(2)(b) asked Det. Parlo for his badge number and he showed his badge to § 87(2)(b) his badge number was 4399 or 4339. He also asked Det. Castle for his badge number, but he did not respond. § 87(2)(b) later told § 87(2)(b) that she asked the officers for their badge numbers at the scene, but they refused to provide their information.

§ 87(2)(b) was issued a summons for § 87(2)(b) and an officer told him that he could have been sent to jail for that offense.

§ 87(2)(b) stated that he felt pain to his left thumb and was unable to move it. He went to § 87(2)(b) at § 87(2)(b). A soft cast was placed on his left hand and forearm and he received painkillers. The interviewing investigator noted that § 87(2)(b) was wearing a soft cast that covered his left thumb, hand and forearm. § 87(2)(b) did not recall what specific injury he was diagnosed.

Photo Array

On May 8, 2007, Inv. Dever showed photographs of Sgt. Hopkins, Det. Gould, Det. Parlo, Det. Castle, PO Morrissey, Det. Wolfrom, Det. Cuzzo, Det. Bannister, and Det. Cumberbatch to § 87(2)(b) (encl. 8A-8C). § 87(2)(b) did not recognize any of the officers.

Victim Testimony – § 87(2)(b)

Inv. Michael Dever interviewed § 87(2)(b) on February 15, 2007. § 87(2)(b) is a § 87(2)(b)-old Hispanic female § 87(2)(b). § 87(2)(g) (encl. 11A-11C).

§ 87(2)(b) first saw § 87(2)(b) when she came downstairs. Several plainclothes police officers were standing outside her car. § 87(2)(b) was handcuffed and two of the officers were holding him against the car. § 87(2)(b) was upset and was yelling loudly. The officers told him to shut up and be quiet. They tried to stop § 87(2)(b) from approaching her son, but she approached him anyway.

When § 87(2)(b) saw her, he asked her why the officers were holding him. § 87(2)(b) told § 87(2)(b) to relax and not to resist. § 87(2)(b) was upset and asked the officers what was going on. She told them that she was the owner of the car and had told her son to warm it up. She also asked why so many officers were around her son and said, "This is no John Gotti case." However, one of the officers, a tall white male dressed in a blue sweater and jeans told her to shut up. People on the other side of the street were also asking the officers why they were holding § 87(2)(b) and another officer said, "Shut the fuck up."

The officers did not provide § 87(2)(b) with any information about what happened to her son and one of them, a short officer wearing a hat, told her to be quiet or she would be arrested. The officers entered her car without her permission. § 87(2)(b) stated that she did not ask the officers for their names or shield numbers at the scene because she was too upset.

§ 87(2)(b) came downstairs about four minutes after § 87(2)(b) did. § 87(2)(b) began making a phone call on her mobile phone and said that she was calling a lawyer. One of the officers tried to interfere with the call, but § 87(2)(b) told the officer not to touch her phone. When asked if any of the officers made a remark about people in the neighborhood being "animals," § 87(2)(b) replied that an officer told § 87(2)(b) that they had to deal with people all the time who are animals from that neighborhood. § 87(2)(b) was placed in a van and taken away. The officers told § 87(2)(b) and § 87(2)(b) to meet them at the stationhouse.

Photo Array

On May 8, 2007, Inv. Dever showed photographs of Sgt. Hopkins, Det. Gould, Det. Parlo, Det. Castle, PO Morrissey, Det. Wolfrom, Det. Cuozzo, Det. Bannister, and Det. Cumberbatch to § 87(2)(b) (encl. 12A-12C). § 87(2)(b) recognized Det. Gould as the officer that placed his hand on her and told her to stay back. She identified Det. Parlo as the officer that "harrassed § 87(2)(b) and was very rude and did not respond to § 87(2)(b)'s questions. She recognized Det. Cumberbatch as the officer that identified himself to her upon her request.

Police Officer Jared Morrissey

On February 13, 2007, PO Morrissey and his partner, Det. Christopher Castle, were working as part of a narcotics field team supervised by Sgt. John Hopkins. They were dressed in plainclothes and using unmarked apprehension vehicle # § 87(2)(b) a tan Nissan Maxima. PO Morrissey was driving the vehicle and Det. Castle was seated in the passenger seat. PO Morrissey is a § 87(2)(b)-old white male who stands 6'2" and weighs 200 lbs.

Stop, Question and Frisk Report: PO Jared Morrissey

PO Morrissey prepared a stop, question and frisk report for § 87(2)(b). He indicated that he observed § 87(2)(b) for one minute prior to the stop, during which time the subject appeared to be breaking into an automobile. Additional factors that led to the stop were that the area has a high incidence of the reported offense and because the subject provided evasive, false, or inconsistent responses to the officers' questions. PO Morrissey indicated that he identified himself as an officer by providing his ID card and a verbally providing his shield number. The basis of the frisk was that § 87(2)(b) engaged in furtive movements and refused to comply with the officers' directions. The basis of the search was to inventory property. § 87(2)(b)'s demeanor during the stop was described as "annoyed" and he stated during the stop, "Get the fuck off me." This report was entered into the NYPD database electronically on April 17, 2007 (encl. 13A-13B).

CCRB Statement: PO Jared Morrissey

Inv. Michael Dever interviewed PO Morrissey on April 13, 2007 (encl. 14A-14C).

At about 10:30 AM, PO Morrissey and Det. Castle were driving northbound on Mother Gaston Boulevard when he observed a male, later identified as § 87(2)(b) who appeared to be trying to break into a purple sedan that was parked on the southbound side of the street. Mother Gaston Boulevard is a two-way street. PO Morrissey stated that that area has a high incidence of auto theft and that he had made auto theft arrests in that area. PO Morrissey observed § 87(2)(b) for a few seconds as he passed. During that time, he saw § 87(2)(b) “jiggling the door handle” of the driver side door and observed that § 87(2)(b) had nothing in his hands. When asked if he had clear and unobstructed view of § 87(2)(b) PO Morrissey replied that he did.

PO Morrissey made a u-turn, stopped about six car lengths behind the purple car and saw that § 87(2)(b) was still jiggling the door handle of the driver side door. When the undersigned investigator asked PO Morrissey if § 87(2)(b) had anything in his hands at that time, PO Morrissey replied that he was holding a thin, long metal object and said, “It might have looked like a screwdriver or something small, definitely not a set of keys.” When asked what, if anything, he saw § 87(2)(b) doing with the screwdriver, PO Morrissey replied, “Just two hands on the door handle...” § 87(2)(b) then went around to the passenger side of the car, jiggled the handle of the passenger side door and entered the passenger side. When asked if he had a clear and unobstructed view of § 87(2)(b) at that time, PO Morrissey replied that he did. PO Morrissey and Det. Castle did not put any radio transmissions over at that time.

Once § 87(2)(b) entered the passenger side of the car, PO Morrissey and Det. Castle left their vehicle and approached the car. PO Morrissey approached the passenger side of the car and Det. Castle approached the driver side. They showed their shields to § 87(2)(b) and Det. Castle ordered him to step out of the car, but he refused and also would not roll down the windows. PO Morrissey knocked on the driver side window and also ordered him to step out, but he still did not comply. PO Morrissey did not recall whether he or Det. Castle pulled out an asp and threatened to break the car window.

Fifteen to twenty seconds after PO Morrissey and Det. Castle approached the car and ordered § 87(2)(b) to step out, Det. Castle was able to get him out of the car. PO Morrissey did not know whether § 87(2)(b) opened the door or Det. Castle opened the door.

§ 87(2)(b) resisted and swung his elbows at Det. Castle as he was getting out. Det. Castle tried to grab his arms and PO Morrissey went around the car to assist him. PO Morrissey grabbed § 87(2)(b) who was cursing and saying, “Get the fuck off me!” PO Morrissey did not know if § 87(2)(b) actually struck him or Det. Castle. He stated that § 87(2)(b)'s chest was struck against the car during the struggle “maybe twice.” PO Morrissey did not see the object that he had seen § 87(2)(b) holding during the struggle. Det. Castle put over a radio transmission to the rest of the field team during the struggle, but he and PO Morrissey were able to handcuff § 87(2)(b) before they arrived.

After the rest of the field team arrived, PO Morrissey and Det. Castle searched the car around the area where § 87(2)(b) had been sitting, including inside the glove compartment, passenger side door, backseat and the driver seat. He denied searching the trunk. PO Morrissey did not remember whether Sgt. Hopkins ordered them to search the car. PO Morrissey and Det. Castle frisked and searched § 87(2)(b) but did not find the object that PO Morrissey had seen § 87(2)(b) holding. When asked if they ever found a screwdriver, PO Morrissey replied that there was a lot of junk in the car like compact discs and tools, and that he did not specifically recall seeing a screwdriver.

Det. Parlo took custody of § 87(2)(b). Two female civilians, later identified as § 87(2)(b) and § 87(2)(b) arrived at the scene. They were screaming that they were going to get a lawyer and saying, “Get your fucking hands off him!” They also asked members of the field team for their names and shield numbers. However, PO Morrissey did not recall whether they specifically asked him for his name and shield number. PO Morrissey felt slightly threatened because the females were getting close to them and yelling up to people in a nearby apartment building. People were also yelling out of windows. PO

Morrissey stated that he might have briefly spoken to the females, but did not recall what he said. He said that neither he nor any other member of the field team told them that people in that neighborhood were “animals” or told them to “shut the fuck up.”

The undersigned investigator asked PO Morrissey if anything about § 87(2)(b)'s physical appearance made him suspect that § 87(2)(b) was a drug addict or involved in any type of criminal activity. PO Morrissey replied that the way § 87(2)(b) spoke and acted made him believe that § 87(2)(b) possibly had a drug related mental or physical problem. He specified that § 87(2)(b) did not seem to understand why they were there and why they were asking him to step out of the car. PO Morrissey stated that the reason for the stop was explained to § 87(2)(b) numerous times. He was first told why he had been stopped shortly after he was removed from the car.

§ 87(2)(b) was transported to the 73rd Precinct stationhouse and the field team returned to the stationhouse. PO Morrissey stated that § 87(2)(b) was issued a summons, but he did not know whether a Stop and Frisk Report (UF250) was prepared. § 87(2)(b) never complained of injuries and PO Morrissey never observed any injuries on him. When PO Morrissey saw § 87(2)(b) in the stationhouse. He appeared to be annoyed, but was calmer than he was when he was initially apprehended. PO Morrissey never spoke to § 87(2)(b) at the stationhouse. He did not remember seeing the two females at the stationhouse. PO Morrissey did not recall Det. Cumberbatch telling him in the stationhouse that the two females wanted their names and shield numbers.

Detective Christopher Castle

*On February 13, 2007, Det. Christopher Castle and his partner, PO Morrissey, were working as part of a narcotics field team supervised by Sgt. John Hopkins. They were dressed in plainclothes and using unmarked apprehension vehicle # § 87(2)(b) a tan Nissan Maxima. PO Morrissey was driving the vehicle and Det. Castle was seated in the passenger seat. Det. Castle is a § 87(2)(b)-old white male who stands 6' tall and weighs about 180 lbs. Det. Castle noted in his **memo book** that at 10:30 AM, there was one individual arrested for § 87(2)(b) in front of § 87(2)(b). Inv. Michael Dever interviewed Det. Castle on June 1, 2007. § 87(2)(g) (encl. 15A-16D).*

Det. Castle stated that when he first observed § 87(2)(b) he approached the purple sedan and was looking all around him in a furtive manner while holding something that appeared to be a screwdriver. Det. Castle stated that the object was six to eight inches long, but he did not recall the color of the object. § 87(2)(b) put the screwdriver into the keyhole of the driver side door and jiggled the door handle, but was unable to open the door. After trying to open the driver side door for 20 to 25 seconds without success, § 87(2)(b) went around the front of the car to the passenger side. § 87(2)(b) continued to look all around and jiggled the handle of the passenger side door. Det. Castle suspected that § 87(2)(b) was attempting to break into the car and steal the car or the car radio. § 87(2)(b) entered the passenger side of the car about 20 to 30 seconds after he went around the front of the car. Det. Castle and PO Morrissey did not put any radio transmissions over at that time.

When questioned more specifically about the object Det. Castle observed in § 87(2)(b)'s hand, Det. Castle stated, “Perhaps maybe it was the key...there was junk in the car...I didn’t go through the car or anything like that, but it could have been a screwdriver. But I mean if he had the key, why wouldn’t he just use the key? You know, it just seems very peculiar that he went from the driver side and all the way around to the passenger side just to get in.”

Det. Castle stated that he approached the passenger side of the car with his shield displayed and his radio in his hand. PO Morrissey also approached the car, but Det. Castle was not sure whether he approached the driver side. When the officers approached the vehicle, the engine was running and there were keys in the ignition. Det. Castle observed clutter inside the vehicle, which he described as a couple bottles on the floor, stuff on the dashboard, and in the backseat. Because the bottles were made of glass, Det. Castle feared that § 87(2)(b) might attempt to use them as a weapon.

Det. Castle knocked on the passenger side window and said, "Police, open up the door." § 87(2)(b) replied, "Fuck you, I ain't opening up the door. Fuck you." Det. Castle stated that he usually carries an asp, but denied extending an asp and threatening to break the window if § 87(2)(b) did not step out. He did not recall PO Morrissey doing that. Det. Castle asked § 87(2)(b) to open the door about two or three more times, after which § 87(2)(b) opened the door and stepped out. About a minute or slightly less than a minute elapsed between the time Det. Castle first approached the car to the time when § 87(2)(b) opened the door and stepped out.

Immediately upon stepping out of the car, § 87(2)(b) grabbed Det. Castle's shirt, pushed him and ran away. Det. Castle stumbled backward slightly, but did not fall. Det. Castle positioned himself in the wedge between the body of the car and the open door to keep § 87(2)(b) contained. He then grabbed § 87(2)(b) and attempted to handcuff him with PO Morrissey's assistance. § 87(2)(b) flailed his arms and yelled, "Fuck you! Fuck the police!" Det. Castle repeatedly said, "Stop resisting!" Det. Castle and PO Morrissey were able to handcuff § 87(2)(b) in about ten seconds. One of the reasons why they handcuffed § 87(2)(b) was because they wanted to prevent him from grabbing the glass bottles in the backseat, though Det. Castle never mentioned that he made any effort to reach for or grab any of these bottles. Det. Castle did not recall § 87(2)(b) being struck against the car during the struggle. Det. Castle brought § 87(2)(b) to the rear of the car and PO Morrissey held him against the car. Det. Castle then called over the radio for Sgt. Hopkins to respond to the scene.

Det. Castle did not see a screwdriver when § 87(2)(b) stepped out of the car and a screwdriver was not recovered at the scene.

Det. Castle stated he never searched the car and that, to his knowledge, no other field team member searched the car. When asked why the car was never searched for the object that § 87(2)(b) was seen holding, Det. Castle replied, "After I saw the key and the key chain in the ignition, I was kind of, you know, maybe it was a key. But it appeared to be a screwdriver when I first saw it. You know, I didn't want to go further." Det. Castle did not believe that he ever took the keys out of the ignition to get a closer look at them.

Det. Castle tried to speak to § 87(2)(b) about the car. He asked § 87(2)(b) if the car was his and who it belonged to. However, § 87(2)(b) refused to answer any questions. He kicked and yelled, "Fuck you!" and other obscenities. When asked if he ever attempted to question § 87(2)(b) about the object that he had been seen holding, Det. Castle replied that he did not recall. He did not recall hearing PO Morrissey ask § 87(2)(b) about the object.

§ 87(2)(b)'s demeanor caused civilians on the seventh or eighth floor of § 87(2)(b) to yell obscenities out the windows. They were saying, "Let him go! This is bullshit! Fuck the police!" In addition, ten to twelve civilians left the lobby of the building to see what was going on and came between ten to twelve feet away from Det. Castle and the other field team members. Those civilians were also cursing. When asked whether he felt physically threatened by the civilians that left the lobby, Det. Castle replied, "I just knew that, you know, we should probably get out of here because it's not a good place to be in. You know, it could kick off anytime." Det. Castle did not believe that people were throwing objects out of windows. Det. Castle did not recall whether any field team members asked § 87(2)(b) "Why are you whining like a bitch?"

Sgt. Hopkins was nearby and arrived quickly. Det. Castle then went over division radio to run the license plate number of the car to determine whether it was stolen. Det. Castle could not say whether § 87(2)(b) continued to struggle after he was handcuffed because he was focused on determining whether or not the car was stolen. However, he still heard § 87(2)(b) yelling. Det. Castle stated that he frisked § 87(2)(b) for weapons and that § 87(2)(b) was probably searched after he was placed in the prisoner van. When asked why he did not thoroughly search § 87(2)(b) for the screwdriver, he replied that he would have felt the screwdriver when he frisked § 87(2)(b) since it was six to eight inches long. After he frisked § 87(2)(b) Det. Castle was satisfied that the screwdriver was not on § 87(2)(b)'s person.

Three to four minutes later, the dispatcher informed Det. Castle that the car was not stolen and was registered to a female civilian who lives in upstate New York. § 87(2)(b)'s sister and mother, § 87(2)(b) and § 87(2)(b) arrived at the scene shortly afterward and approached the car. They were very upset and yelled at Det. Castle and the other field team members. Other field team members, probably Det. Gould and Sgt. Hopkins, attempted to speak to § 87(2)(b)'s mother, but she refused to listen and continued to yell and curse. § 87(2)(b)'s sister was speaking loudly on a mobile phone and saying, "This is bullshit! They can't be doing this! They can't be stopping people like this!" She never explained who she was speaking to. Det. Castle did not recall any field team member grabbing the mobile phone and closing it. He also did not recall the two females requesting the names or shield numbers of any field team member, including himself. Det. Castle stated that neither he nor any other field team member referred to people who lived in that area as "animals" while speaking to § 87(2)(b)'s mother and sister. He stated that he did not curse at anyone and did not recall whether another field team member did. § 87(2)(b)'s father came to the scene later and spoke to them. § 87(2)(b)'s father was courteous and just wanted to know what was happening. He convinced Det. Castle and the other field team members that it was his car, despite the fact that § 87(2)(b)'s mother did not have the registration or insurance card for the car. § 87(2)(b) was placed in the prisoner van, at which point he calmed down.

§ 87(2)(b) was transported to the 73rd Precinct stationhouse, where he was issued a summons for § 87(2)(b) and released. Det. Castle believed that Sgt. Hopkins made the determination to issue § 87(2)(b) a § 87(2)(b) summons. Det. Castle saw § 87(2)(b) at the stationhouse, but did not speak to him. He stated that he did not see § 87(2)(b)'s mother or sister there and that Det. Cumberbatch never approached him or other field team members and say that the two females wanted their names and shield numbers. Det. Castle believed that PO Morrissey prepared a Stop and Frisk Report in connection with this incident.

Sergeant John Hopkins

*On February 13, 2007, Sgt. Hopkins was supervising a narcotics field team. He was dressed in plainclothes and was in unmarked vehicle #§ 87(2)(b) a gray Jeep, with Detectives Gould and Parlo. Sgt. Hopkins is a § 87(2)(b) year-old white male who stands 6'1" tall and weighs about 215 lbs. Sgt. Hopkins noted in his **memo book** that at 10:30 AM, one individual was arrested for § 87(2)(b) and that a stop, question and frisk report was prepared. He also noted that one summons was issued, summons #§ 87(2)(b), and that it was prepared by Det. Gould. He noted that at 10:35 AM, he was in route to § 87(2)(b). Inv. Dever interviewed Sgt. Hopkins on March 14, 2007 (encl. 17A-18C).*

On February 13, 2007, at about 10:25 AM, Sgt. Hopkins, Det. Gould and Det. Parlo were making observations at § 87(2)(b) when Det. Castle and PO Morrissey called them over the radio to respond to § 87(2)(b), which is two or three blocks away. They provided no information about what was going on.

When Sgt. Hopkins arrived, he observed Det. Castle and PO Morrissey standing outside a civilian car. § 87(2)(b) was in the driver seat and the engine was running. Sgt. Hopkins did not recall exactly where they were positioned in relation to the car. They were asking § 87(2)(b) for identification, registration and insurance but he was not complying. Det. Castle and PO Morrissey were not yelling and the situation did not appear to be tense at that time. Sgt. Hopkins stated that Det. Castle and PO Morrissey wanted to know who the individual inside the vehicle was because the area has a high incidence of narcotics activity and drug users often break into car to steal radios or money. Regarding § 87(2)(b) he said, "He's a thin male...so we wanted to make sure, you know, he was actually the owner of the car." He added when "crack users are very thin, they're not usually obese was actually that person, was the owner of the car." Sgt. Hopkins estimated that § 87(2)(b) was about 5'9" to 5'10" tall and weighed about 120 to 125 lbs.

Sgt. Hopkins, Det. Gould and Det. Parlo left their vehicle. Sgt. Hopkins began examining the Vehicle Identification Number (VIN), license plate and the door locks of the car. Det. Castle and PO Morrissey told Sgt. Hopkins that § 87(2)(b) was saying it was his car and refusing to provide his identification. During that time, § 87(2)(b) left the car. However, Sgt. Hopkins could not say whether § 87(2)(b) was forcibly removed from the car or stepped out on his own volition because he was busy examining the vehicle. The next time Sgt. Hopkins saw § 87(2)(b) he was at the rear of the car with

Det. Castle, PO Morrissey and Det. Parlo. They continued to request his identification, but he continued to refuse. Sgt. Hopkins said that he was not completely sure what was happening at the rear of the car because he was still examining the car.

Sgt. Hopkins observed that a crowd was gathering and people were yelling out of windows of project buildings on that block. He did not recall what they were saying. Sgt. Hopkins was concerned about objects being thrown off the roofs and out windows. When asked if he felt threatened by the people in the crowd, Sgt. Hopkins replied that he did not. Det. Castle and PO Morrissey did not inform Sgt. Hopkins why they had stopped § 87(2)(b). They did not tell him what § 87(2)(b) did to make them suspect that he was breaking into the car. Sgt. Hopkins did not see a struggle occurring at the rear of the car and stated that § 87(2)(b) was not yelling or screaming at that time. He did not observe § 87(2)(b) being frisked or searched.

Sgt. Hopkins saw § 87(2)(b) again after other field team members had handcuffed him. § 87(2)(b) was cursing and trying to pull away from them. Sgt. Hopkins did not recall what he said. Det. Parlo took custody of § 87(2)(b) who then tried to pull away from Det. Parlo. When asked to describe what was occurring in more detail, Sgt. Hopkins stated that he did not see because he was busy examining the car. He then stated that he did not actually see § 87(2)(b) struggling and was not paying attention to what was occurring at the rear of the car. He therefore could not describe what Det. Parlo did in response to § 87(2)(b)'s attempts to pull away from him. Sgt. Hopkins never personally spoke to § 87(2)(b).

Sgt. Hopkins denied telling anyone at the scene that the people in that neighborhood were “animals” or saying anything to that effect. He did not hear any other member of the field team make such a remark. Sgt. Hopkins stated that, to his knowledge, the car was never searched. § 87(2)(b) never complained of injuries. No field team member ever asked § 87(2)(b) “Why are you whining like a bitch?”

§ 87(2)(b)'s mother showed up at the scene and said that it was her car. Sgt. Hopkins did not speak to her and was not sure which member of the field team spoke to her. Sgt. Hopkins stated that she did not ask him for his name or shield number, and that he did not hear her ask any other field team member for their name or shield numbers. He did not recall anyone else at the scene saying that they were related to § 87(2)(b). They performed a license check over division radio and confirmed that it was her car. Sgt. Hopkins had never seen § 87(2)(b) before. Sgt. Hopkins stated that he did not make the determination that § 87(2)(b) should be issued a § 87(2)(b) summons, Det. Gould did. § 87(2)(b) was placed in the prisoner van and transported to the stationhouse, where Det. Gould issued him the summons. Sgt. Hopkins did not hear any civilians at the stationhouse asking about § 87(2)(b).

Detective Matthew Parlo

*On February 13, 2007, Det. Matthew Parlo worked narcotics enforcement in an unmarked gray Jeep, vehicle #§ 87(2)(b) with Sgt. John Hopkins and Det. Scott Gould. Det. Parlo is a white male, 5'9" tall, 210 lbs., and has short brown hair with a receding hairline. Det. Parlo noted in his **memo book** that at 10:30 AM, the arresting officer arrested one individual and at 10:35 AM, he was in route to § 87(2)(b). Inv. Michael Dever interviewed Det. Parlo on April 13, 2007 (encl. 19A-20B).*

On the morning of February 13, 2007, Det. Parlo, Det. Gould, and Sgt. Hopkins received a radio transmission from Det. Castle and PO Morrissey asking them to respond to the front of § 87(2)(b), which was about one or two blocks away from where they were positioned. When they arrived, a man, later identified as § 87(2)(b) was standing behind a civilian vehicle in handcuffs with Det. Castle and PO Morrissey. Both officers were holding § 87(2)(b)'s arms. § 87(2)(b) was twisting his shoulders and trying to pull away from them. He was also calling them “assholes” and saying, “Why don’t you get some real criminals? Leave me alone!” Det. Parlo did not hear Det. Castle and PO Morrissey respond to him.

Sgt. Hopkins instructed Det. Parlo to hold § 87(2)(b) while he spoke to Det. Castle and PO Morrissey. Once Det. Parlo grabbed § 87(2)(b) § 87(2)(b) looked at Det. Parlo and said, “Fuck you. What the fuck did I do? Why are you guys messing with me?” He never said that he had been warming up the

car. § 87(2)(b) also tried to walk away from Det. Parlo. Det. Parlo told § 87(2)(b) to calm down and stay there. Det. Parlo also told him that he had just gotten to the scene himself and that they would figure out what was going on. However, § 87(2)(b) tried to pull away from Det. Parlo, so Det. Parlo held him against the back of the car. Det. Parlo did not hear what Det. Castle and PO Morrissey told Sgt. Hopkins because he was focused on § 87(2)(b).

Two black females, later identified as § 87(2)(b) and § 87(2)(b) approached Det. Parlo and § 87(2)(b). One of them said, "That's my brother! He didn't do anything wrong! Leave him alone! Why don't you go lock up real criminals! This is why people hate cops, you guys are all assholes!" The other female said, "That's my son! Leave him alone! Can't you let him go?" Det. Parlo told the females that he could not because he did not know what was going on and was just holding her son. § 87(2)(b) became even more agitated and screamed, "Mom, tell them to leave me alone! I didn't do anything!" § 87(2)(b) accused Det. Parlo of hurting her son and picking on her son. § 87(2)(b) yelled, "Mom, tell them to leave me alone! I didn't do anything!" He never said that he was in pain.

The mother and sister came within about two feet of Det. Parlo and § 87(2)(b) so Det. Parlo asked them move back a little bit and advised them to speak to Sgt. Hopkins. The sister then went to the other side of the car and yelled at other members of the field team. The sister asked Det. Parlo for his shield number and name, and Det. Parlo provided the information. Det. Parlo did not hear any other field team members speaking to the mother and sister because he was dealing with § 87(2)(b). Det. Parlo denied referring to people in that area as "animals" and did not hear any other field team member say that to them. Sgt. Hopkins instructed Det. Parlo to place § 87(2)(b) in the prisoner van. Det. Parlo did so and the field team left the scene.

Det. Parlo later saw § 87(2)(b) inside the 73rd Precinct stationhouse. § 87(2)(b) cursed at Det. Parlo and asked for his name and shield number. Det. Parlo gave him the information. He denied ever accusing § 87(2)(b) of "whining" or asking him, "Why are you whining like a bitch?"

Detective Scott Gould

*On February 13, 2007, Det. Gould was dressed in plainclothes and assigned to a narcotics field team. He was in unmarked vehicle #§ 87(2)(b) a gray Jeep. Det. Gould was driving, SGT Hopkins was in the backseat and Det. Parlo was in the backseat. Det. Gould is a white male, 6'3" tall, 230 lbs., with blonde hair. Det. Gould noted in his **memo book** that at 10:30 AM, Isaac § 87(2)(b) was under arrest for § 87(2)(b). He described the reasons for the § 87(2)(b) arrest as cursing, violent behavior, and causing a large crowd to gather. At 10:35 AM, he noted that he was en route to the vicinity of § 87(2)(b). The summons, prepared by Det. Gould and issued to § 87(2)(b) was for § 87(2)(b). Inv. Dever interviewed Det. Gould on June 1, 2007. § 87(2)(g) (encl. 21A-23B).*

When Sgt. Hopkins, Det. Gould, and Det. Parlo arrived at the scene, § 87(2)(b) was screaming, "Get the fuck off of me! I want to kick your fucking ass!" Det. Parlo took custody of § 87(2)(b) and Det. Gould asked Det. Castle what had happened. Det. Castle said that it appeared that § 87(2)(b) was breaking into a car with a screwdriver. He added that they initially suspected that the car was possibly stolen, but that the keys were in the car when they looked inside.

Several civilians had gathered to watch what was going on. § 87(2)(b)'s mother and sister were at the scene. The mother said that the car was hers. Det. Gould tried speaking to them, but they were cursing and screaming. The sister was talking on a mobile phone. Det. Gould denied grabbing the phone and closing it. The mother and sister asked Det. Gould for his name and shield number and he provided the information. § 87(2)(b)'s father, Mahmoud § 87(2)(b) approached Det. Gould and spoke to him. He was very calm. Det. Gould stated that neither he nor members of the field team cursed at anyone or referred to people in the neighborhood as "animals." He saw the mother and sister at the stationhouse, but did not see Det. Cumberbatch speaking to them. Sgt. Hopkins made the determination to issue § 87(2)(b) a § 87(2)(b) summons, but Det. Gould did not know exactly how.

Additional Officer Statements

Inv. Dever also interviewed Det. Cumberbatch and Det. Wolfrom in regards to this case. § 87(2)(g)

(encl. 24A-25B).

Medical Records

§ 87(2)(b) was treated at the § 87(2)(b) at § 87(2)(b). His records note that he had a cuff compression on his left wrist with numbness and swelling, though x-rays revealed no sign of fracture or dislocation. His primary complaint was that the NYPD twisted his left arm (encl. 26A-26P).

Command Log

Det. Scott Gould brought § 87(2)(b) to the 73rd Precinct stationhouse at 12:55 PM. His physical condition was listed as normal and his mental condition was described as aggravated and uncooperative. The supervisor verifying the arrest was Sgt. Hopkins. He was released with a summons at 1:15 PM (encl. 27A).

Tactical Plan

Sgt. Hopkins prepared the Narcotics Borough Brooklyn North Tactical Plan. The report indicated that Sgt. Hopkins was the team leader with Det. Gould and Det. Parlo in a gray Jeep, Det. Castle and PO Morrissey were in a tan Nissan, Det. Wolfrom and Det. Couzzo were in a green Saturn, and Det. Bannister and Det. Cumberbatch were in a gray Venture (encl. 27B).

CCRB Histories

PO Morrissey resigned from the NYPD on June 29, 2007. As such, his tenure was no longer available to the CCRB. Det. Castle, with a six years of service, and Det. Parlo, with a nine-years of service, have no substantiated CCRB allegations on file. Sgt. Hopkins, with fourteen years of service, has had one substantiated CCRB complaint regarding a stop conducted on January 10, 2007. The NYPD has yet to impose discipline regarding this case. § 87(2)(b) has no prior CCRB complaints. § 87(2)(b) has since this incident filed two additional complaints on behalf of § 87(2)(b) § 87(2)(b) (encl. 5A-5H).

Conclusions and Recommendations

Officer identification

§ 87(2)(b) alleged that the first two officers who responded to the scene, clearly identified as PO Morrissey and Det. Castle, were the officers that ordered him to exit the vehicle, then stopped and frisked him together. According to § 87(2)(b) the officer on his side was the officer tapped his asp on the window and instructed him to exit. Both PO Morrissey and Det. Castle articulated that the decision to stop § 87(2)(b) was mutual and that they were both acting on their own independent observations. The initial force alleged was in relation to this stop and both officers articulated that they actively took part in restraining § 87(2)(b) § 87(2)(g)

Det. Parlo was identified on all accounts as the officer in charge of restraining § 87(2)(b) once the additional officers responded. This time coincided with the time in which § 87(2)(b) alleged that an officer made offensive and profane remarks as well as used additional force. § 87(2)(g)

In addition, § 87(2)(b) described the officer who allegedly spoke discourteously towards her as a short white male. Given that all of the other officers on the scene were over 6' tall, except Det. Parlo who was 5'9", he best fit § 87(2)(b)'s description. Though § 87(2)(b) identified Det. Wolfrom as the officer that allegedly cursed at her, Det. Wolfrom was not present at the scene at the time of the alleged misconduct, and his physical features, being a balding white male

with short cut hair, were the same as Det. Parlo. § 87(2)(g) § 87(2)(b) also specified during her photo array that PO Morrissey was the officer who closed her phone while she was attempting to make a call, § 87(2)(g) § 87(2)(b) specified that PO Morrissey refused to provide his name and shield number to her, and based on Det. Gould's and Det. Parlo's statements, it was clear that they were the other two officers who allegedly did not provide their names and shield numbers. § 87(2)(g) § 87(2)(b) identified Sgt. Hopkins as the officer who allegedly called individuals in the area "animals," § 87(2)(g) PO Morrissey admitted to both his and Det. Castle's searching the vehicle in which § 87(2)(b) was an occupant, § 87(2)(g) § 87(2)(b) specified that he requested Det. Castle's shield number at the stationhouse, § 87(2)(g)

Undisputed and Disputed Facts

It is undisputed that officers stopped § 87(2)(b) after he was observed inside his mother's car. He was arrested and transported to the 73rd Precinct, after which he was released with a summons for § 87(2)(b)

§ 87(2)(g)

Assessment of Evidence

On all accounts, the vehicle § 87(2)(b) was observed approaching belonged to his mother, § 87(2)(b) It is also uncontested that § 87(2)(b) initially approached the drivers' side door of the vehicle, which he was unable to open, and then walked to the passenger side of the vehicle, where he quickly gained access, and then turned on the vehicle's engine with his key upon entry.

§ 87(2)(g)

Det. Castle initially described the object § 87(2)(b) was carrying as a 6-8" long object of an unknown color, but the detective later stated that the object could have been a key, based on the fact that he later observed the key in the vehicle's ignition. PO Morrissey stated initially that he did not see an object in § 87(2)(b)'s hand, then later stated that after the officers turned their vehicle, he observed a long thin metal object that definitely was not a key. However, when questioned what he was doing with this object, he explained that § 87(2)(b) had both hands jiggling the door handle of the vehicle, § 87(2)(g) PO Morrissey did not, however, specifically state that the object was not used on the door. § 87(2)(g) he observed § 87(2)(b) attempting to stick the screwdriver into the keyhole for twenty to twenty-five seconds. § 87(2)(g)

Det. Castle stated that he observed § 87(2)(b) looking around the area "suspiciously" while attempting to enter the vehicle. He did not articulate anything specifically about § 87(2)(b)'s actions that made them suspicious. PO Morrissey made no mention of § 87(2)(b) acting in this manner, § 87(2)(g)

PO Morrissey and Det. Castle both articulated that they approached § 87(2)(b) because they thought he was attempting to enter the vehicle unlawfully. It was uncontested that § 87(2)(b) attempted first to enter by the driver's side, was unsuccessful, but then moved to the passenger side of the vehicle and quickly gained access. At that time, the weather was recorded as well below the freezing point (23° F in Central Park at 10:51 AM) (encl. 4A-4B). § 87(2)(g)

It was clear on all accounts that Det. Castle approached § 87(2)(b) on his side of the vehicle. Based on § 87(2)(b) s, § 87(2)(b) s, and Det. Castle's statements, § 87(2)(b) was on the passenger side of the vehicle when the officers approached. Det. Castle, per his own statement, clarified that he observed that the vehicle was running and the key was in the ignition, which led him to believe that the thin metal object he initially observed could have been the key to the vehicle.

By all accounts, the officers approached § 87(2)(b) and instructed him to exit the vehicle, which he refused to do initially. § 87(2)(b) and § 87(2)(b) stated that Det. Castle extended his asp and told § 87(2)(b) that he was going to break the glass if § 87(2)(b) did not exit the vehicle. § 87(2)(g)

According to both Det. Castle's and § 87(2)(b) s statements, § 87(2)(b) used the word "fuck" when addressing Det. Castle. § 87(2)(g)

Based on § 87(2)(b) s and Det. Castle's statements, § 87(2)(b) exited the vehicle on his own after Det. Castle instructed him to do so. PO Morrissey stated that Det. Castle ordered § 87(2)(b) to exit the vehicle and Det. Castle stated that he told § 87(2)(b) several times to "open the door." § 87(2)(g)

Based on Det. Castle's statement, it was clear that he was positioned in a manner that obstructed § 87(2)(b) s movement immediately upon his exit of the vehicle. He explained that § 87(2)(b) grabbed him by the shirt, pushed him, and ran away upon his exit of the vehicle. In response to § 87(2)(b) s alleged push, Det. Castle explained that he stumbled but did not fall, and he positioned himself between the body of the car and the open door in order to keep § 87(2)(b) contained. PO Morrissey made no mention of § 87(2)(b) grabbing Det. Castle by the shirt, but rather alleged that he swung his elbows at Det. Castle as he was exiting the vehicle. § 87(2)(b) denied moving in an aggressive manner, but rather stated that both Det. Castle and PO Morrissey immediately grabbed him and placed him in handcuffs. § 87(2)(b) however, stated that only one officer restrained her brother by placing § 87(2)(b) s chest against the vehicle. § 87(2)(g)

Once § 87(2)(b) exited the vehicle, Det. Castle and PO Morrissey restrained him by placing his chest against the vehicle and moving his arms behind his back. Though Det. Castle did not recall whether § 87(2)(b) s body came into contact with the vehicle, all other witnesses attest that this occurred.

According to Det. Castle, he and PO Morrissey were able to handcuff § 87(2)(b) in approximately ten seconds. § 87(2)(g) By all accounts, § 87(2)(b) yelled at the officers and used profanity when requesting information about why he was stopped. § 87(2)(g)

Both officers stated that § 87(2)(b) physically resisted being placed in handcuffs, which § 87(2)(b) did not attest to doing, though he did not specifically deny it. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) stated that while being restrained, he felt the officers frisking and possibly searching him. PO Morrissey admitted that both he and Det. Castle frisked and searched § 87(2)(b) though he was ambiguous about when this happened. § 87(2)(g)

Per Det. Castle's and all of the other witness statements, PO Morrissey and Det. Castle did not have any significant physical interaction with § 87(2)(b) after they restrained him. § 87(2)(g)

After the officers restrained § 87(2)(b) Det. Gould, Det. Parlo, and Sgt. Hopkins responded to the scene. By all accounts, Det. Parlo took custody of § 87(2)(b) while Sgt. Hopkins questioned Det. Castle and PO Morrissey about the nature of the stop. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) stated that she asked PO Morrissey and two additional unspecified officers for their names and shield numbers, which they refused to provide. PO Morrissey stated that she asked him and several other officers for their names and shield numbers and that they all provided them. § 87(2)(g)

Det. Gould stated that § 87(2)(b) requested his shield number. § 87(2)(g)

Both § 87(2)(b) and § 87(2)(b) alleged that officers stated, "Shut the fuck up." § 87(2)(b) alleged that an officer she could not describe or distinguish stated this towards unknown civilians who were shouting at the officers. § 87(2)(b) stated that in addition to Det. Parlo telling her to "shut the fuck up," Sgt. Hopkins referred to the individuals in the area as "animals." All of the officers denied ever using any profanity or making offensive remarks. § 87(2)(g)

It was clear, from all accounts, that § 87(2)(b) shouted at the officers and refused to cooperate with the officers' instructions upon witnessing her son being arrested. § 87(2)(b) stated that an unknown officer threatened to arrest her. § 87(2)(g)

It was clear from multiple accounts that § 87(2)(b)'s vehicle was searched. § 87(2)(g)

While at the 73rd Precinct stationhouse, § 87(2)(b) alleged that Det. Castle refused to provide his shield number upon his request. § 87(2)(g)

Allegation A: At § 87(2)(b) Det. Christopher Castle threatened to damage § 87(2)(b)'s property.

Allegation I: At § 87(2)(b) Det. Matthew Parlo made remarks to § 87(2)(b) based upon gender.

Allegation K: At § 87(2)(b) Det. Matthew Parlo spoke obscenely and/or rudely to § 87(2)(b)

Allegation N: At § 87(2)(b) Det. Matthew Parlo spoke obscenely and/or rudely to § 87(2)(b)

Allegation Q: At § 87(2)(b) Det. Scott Gould refused to provide his name and/or shield number to § 87(2)(b)

Allegation R: At § 87(2)(b) Det. Matthew Parlo refused to provide his name and/or shield number to § 87(2)(b)

Allegation S: At § 87(2)(b) Sgt. John Hopkins made remarks to § 87(2)(b) based upon the socio-economic status of her neighborhood.

Allegation V: At the 73rd Precinct stationhouse, Det. Christopher Castle refused to provide his name and/or shield number to § 87(2)(b)

§ 87(2)(g)
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§ 87(2)(g)

Allegation B: At § 87(2)(b) PO Jared Morrissey stopped § 87(2)(b)

Allegation D: At § 87(2)(b) PO Jared Morrissey used physical force against § 87(2)(b)

Allegation F: At § 87(2)(b) PO Jared Morrissey frisked § 87(2)(b)

Allegation H: At § 87(2)(b) PO Jared Morrissey searched § 87(2)(b)

Allegation O: At § 87(2)(b) PO Jared Morrissey acted rudely toward § 87(2)(b)

Allegation P: At § 87(2)(b) PO Jared Morrissey refused to provide his/her name and/or shield number to § 87(2)(b)

Allegation T: At § 87(2)(b) PO Jared Morrissey searched the car in which § 87(2)(b) was an occupant.

Since the time of this incident, PO Jared Morrissey has left the service of the NYPD. § 87(2)(g)

Allegation C: At § 87(2)(b) Det. Christopher Castle stopped § 87(2)(b) PO Morrissey and Det. Castle observed § 87(2)(b) attempt to enter a vehicle on the driver's side then move to the passenger side, and enter. The officers initially suspected that § 87(2)(b) broke into the vehicle using a long metal object, though, upon approach, Det. Castle suspected that the metal object he observed could have been a key. He reasoned that the object could have been a key when he saw that the vehicle running and the key in the ignition. Det. Castle then ordered § 87(2)(b) to exit the vehicle several times, and eventually § 87(2)(b) complied.

Kamins states that an officer has the right to stop an individual when the officer reasonably suspect that the individual has either engaged in, or is about to engage in, a felony or misdemeanor (encl. 1A). A forcible stop, "is a limited seizure...whenever an individual is actually or constructively detained by virtue of a significant interruption of his liberty of movement" (encl. 1B). Among the police actions that Kamins holds as indicative of a stop, is "ordering an individual to comply with specific police directives" (encl. 1C). Kamins also states that when a behavior is observed in a "high crime area, that fact alone will not provide the officer with a reasonable suspicion that the defendant is committing a crime" (encl. 1D).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation E: At § 87(2)(b) **Det. Christopher Castle used physical force against**

§ 87(2)(b)

Allegation J: At § 87(2)(b) **Det. Matthew Parlo used physical force against** § 87(2)(b)

Officers pushed § 87(2)(b) against his vehicle several times before placing him in handcuffs. § 87(2)(b) was cursing and shouting at the time, causing a crowd of individuals in the area to gather, and offering the officers' minor physical resistance by pulling his arms away and attempting to avoid being handcuffed. The force ended at the time § 87(2)(b) was placed in handcuffs. He suffered no injuries as a result of this action. § 87(2)(g)

After § 87(2)(b) was handcuffed, he continued to resist physically and shout while using profanity. While in Det. Parlo's custody at the scene, Det. Parlo instructed him to be quiet, which § 87(2)(b) did not do, and § 87(2)(b) continued to pull away from the officers. Det. Parlo placed him against the vehicle again in order to secure his position. § 87(2)(g)

Allegation G: At § 87(2)(b) **Det. Christopher Castle frisked** § 87(2)(b)

§ 87(2)(g)

Allegation L: At § 87(2)(b) **an officer threatened to arrest** § 87(2)(b)

While at the scene, § 87(2)(b) was admittedly shouting and refused to move away from § 87(2)(b) who was arrested at that time. § 87(2)(g)

Allegation M: At § 87(2)(b) **an officer spoke obscenely and/or rudely to individuals.**

§ 87(2)(b) alleged that officers stated "shut the fuck up," to several unspecified individuals while they were shouting at the officers. She was unable to describe the officer who allegedly said this, and was unable to identify him when shown a photo array that included all officers present at the scene. § 87(2)(g)

Allegation U: At § 87(2)(b) **Det. Christopher Castle searched the car in which** § 87(2)(b) **was an occupant.**

§ 87(2)(g)

The officers searched the area in which § 87(2)(b) had been

sitting, which included the glove compartment, passenger side door, back seat, and driver's seat. Kamins establishes that incident to an arrest, an officer may search the "grabable and lungeable" area within a vehicle (encl. 1E). § 87(2)(g)

[REDACTED]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: